



Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

December 31, 2018

Nos.: 18-36061, 18-36095 Cross Appeals
D.C. No.: 6:18-cv-00006-CCL
Short Title: Bear Gulch Solar, LLC, et al v. MPSC, et al

Dear Appellants/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 31 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

BEAR GULCH SOLAR, LLC;
CANYON CREEK SOLAR, LLC;
COUCH SOLAR, LLC; FOX FARM
SOLAR, LLC; GLASS SOLAR, LLC;
MALT SOLAR, LLC; MARTIN
SOLAR, LLC; MIDDLE SOLAR ,
LLC; RIVER SOLAR, LLC; SAGE
CREEK SOLAR, LLC; SYPES
CANYON SOLAR, LLC; VALLEY
VIEW SOLAR, LLC; ULM SOLAR ,
LLC; CYPRESS CREEK
RENEWABLES DEVELOPMENT ,
LLC,

Plaintiffs - Appellants,

v.

MONTANA PUBLIC SERVICE
COMMISSION; BOB LAKE; TRAVIS
KAVULLA; BRAD JOHNSON;
ROGER KOOPMAN; TONY
O'DONNELL, in their official capacities
as Commissioners,

Defendants - Appellees.

No. 18-36061

D.C. No. 6:18-cv-00006-CCL
U.S. District Court for Montana,
Helena

TIME SCHEDULE ORDER

BEAR GULCH SOLAR, LLC;
CANYON CREEK SOLAR, LLC;

No. 18-36095

COUCH SOLAR, LLC; FOX FARM SOLAR, LLC; GLASS SOLAR, LLC; MALT SOLAR, LLC; MARTIN SOLAR, LLC; MIDDLE SOLAR, LLC; RIVER SOLAR, LLC; SAGE CREEK SOLAR, LLC; SYPES CANYON SOLAR, LLC; VALLEY VIEW SOLAR, LLC; ULM SOLAR, LLC; CYPRESS CREEK RENEWABLES DEVELOPMENT, LLC,

Plaintiffs - Appellees,

v.

MONTANA PUBLIC SERVICE COMMISSION; BOB LAKE; TRAVIS KAVULLA; BRAD JOHNSON; ROGER KOOPMAN; TONY O'DONNELL, in their official capacities as Commissioners,

Defendants - Appellants.

D.C. No. 6:18-cv-00006-CCL
U.S. District Court for Montana,
Helena

This order vacates all brief due dates set by previously issued time schedule orders. The parties shall meet the following cross appeal time schedule.

- | | |
|--------------------------------|---|
| Mon., January 7, 2019 | Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration. |
| Tue., February 12, 2019 | The party(s) who filed the first appeal shall file and serve the first brief on cross-appeal pursuant to FRAP 28.1. |
| Thu., March 14, 2019 | The party(s) who filed the second appeal shall file and serve the second brief on cross-appeal pursuant to FRAP 28.1. |

Mon., April 15, 2019

The third brief on cross-appeal shall be filed and served pursuant to FRAP 28.1.

The optional cross appeal reply brief shall be filed and served within 21 days of service of the third brief on cross appeal, pursuant to FRAP 28.1.

Failure of the appellants to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: John Brendan Sigel
Deputy Clerk
Ninth Circuit Rule 27-7